

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**DONALD NIXON,**

**Plaintiff,**

**ORDER TO SHOW CAUSE**

**-against-**

**18-CV-5915 (ARR)**

**VIVIENNE HU, LLC,**

**Defendant.**  
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**ROANNE L. MANN, CHIEF UNITED STATES MAGISTRATE JUDGE:**

After commencing this action on October 23, 2018, and serving the Complaint, plaintiff took no further action to prosecute his claims until prompted by this Court's Order to Show Cause dated on January 29, 2019. See Order to Show Cause (Jan. 29, 2019), Electronic Case Filing Docket Entry ("DE") #6. At that time, the Court identified deficiencies in service of process and directed plaintiff to show cause why the case should not be dismissed for failure to effect proper service within 90 days, pursuant to Fed. R. Civ. P. 4(m), and/or for lack of prosecution, pursuant to Fed. R. Civ. P. 41(b). On February 20, 2019, unpersuaded by plaintiff's argument on the validity of service, this Court extended plaintiff's time to serve defendant through the Secretary of State. See Electronic Order (Feb. 20, 2019). Plaintiff did so on February 28, 2019, but no Answer has been filed or further action taken in the case.

Plaintiff is again directed to show cause, in writing, by April 29, 2019, why the case should not be dismissed for lack of prosecution, pursuant to Fed. R. Civ. P. 41(b). Failure to comply with this Order shall result in a recommendation that the case be dismissed with prejudice and that sanctions be imposed on plaintiff's counsel.

The Clerk is requested to send a copy of this Order via ECF to counsel for plaintiff,

who shall promptly serve a copy on defendant.

**SO ORDERED.**

**Dated: Brooklyn, New York  
April 23, 2019**

*/s/ Roanne L. Mann*

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**ROANNE L. MANN  
CHIEF UNITED STATES MAGISTRATE JUDGE**